

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Kawaskii Antonio Blanche,

Civil No. 06-3161 (PAM/AJB)

Petitioner,

v.

**ORDER**

Amy Klobuchar and David C. Brown,

Respondents.

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This matter is before the Court on Petitioner's Objection to United States Magistrate Judge Arthur J. Boylan's Report and Recommendation ("R&R"), dated October 24, 2006. The Court has conducted a de novo review of the Objection and the record. See 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). The Court overrules the Objection and adopts the R&R.

Petitioner was convicted in state court on March 2, 1999 of one count of murder in the first degree, one count of murder in the second degree, one count of conspiracy to commit murder, and one count of committing a crime for gang benefit. He did not file an appeal, and thus, the convictions became final on July 12, 1999.

On July 31, 2006, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in federal court. In addressing the Petition, Magistrate Judge Boylan recommended that this Court dismiss the case with prejudice because the Petition was filed after the expiration of the one-year statute of limitations set forth in 28 U.S.C. § 2244(d). Petitioner's Objection to the R&R did not challenge this recommendation. Petitioner objects to the R&R solely on his belief that Minnesota Assistant Attorney General Thomas R. Ragatz, who is

Respondents' counsel, had been appointed as his counsel.

Petitioner's Objection is without merit. His misconception has no bearing on the effect of the applicable statute of limitations.<sup>1</sup> The R&R correctly concluded that the Petition is barred by the limitations period and that equitable tolling does not apply. Accordingly, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DISMISSED with prejudice**;
2. The R&R (Docket No. 10) is **ADOPTED**; and
3. The Objection (no Docket No.) is **OVERRULED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 12, 2006

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge

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<sup>1</sup>Magistrate Judge Boylan corrected Petitioner's misunderstanding in the R&R. (R&R at 2 n.3.)